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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/516,784

08/09/2005

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PF020060

7332

24498 7590 07/30/2010

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EXAMINER

WRIGHT, BRYAN F

ART UNIT

PAPER NUMBER

2431

MAIL DATE

DELIVERY MODE

07/30/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/516,784	Applicant(s) SACHOT, JEAN-CLAUDE	
	Examiner BRYAN WRIGHT	Art Unit 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-11,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/18/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

1. This action is in response to amendment filed 5/24/2010. Claims 1, 7, 9 and 10 have been amended. Claims 8 and 12 are cancelled. Claim 14 is new. Claims 1-7, 9-11, 13 and 14 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9-11, 13 and 14 are rejected under 35 U.S.C. 102(b) as being an anticipated by Delp et al (NPL "An Overview of Multimedia Content Protection in Consumer Electronics Devices" and Delp hereinafter (cited from IDS)).

3. As to claim 1, Delp teaches a conditional access content reception system comprising at least two terminals (i.e., ... discloses a two terminal system [fig. 7]), each configured for accessing the content (i.e., ..teaches a content access protection system comprising a plurality of terminal devices [fig. 7]): said at least two terminals comprising, a main terminal [fig. 7], each terminal comprising means for checking the said respective terminal's authorization to access the content (i.e., ...teaches content access protection between communicating devices [fig. 7]),

wherein each of the terminals also comprises pairing and pairing verification means and wherein the system comprises means for exchanging information between the main terminal and each secondary terminal for the purpose of implementing the pairing and the verification of the pairing between said secondary terminal and the main terminal (i.e., ...teaches exchanging verification information (e.g., Entitlement and Control Word) between communicating devices [fig. 7]).

the authorization to determine whether said at least secondary terminal is authorized takes place only when said at least one secondary terminal is connected and is able to exchange information with said main terminal (e.g., ...the Examiner contends in Delp figure 1, a network system is depicted with a data sender and receiver

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communicating with one another. The Examiner respectfully submits that in order for the system of Delp to work (e.g., exchange content/data) as illustrated, communication between the communicating devices must be facilitated by a communication medium with the proper communication interface and that both sender and receiver must be authorized to communicate with each other. Delp discloses an authorization process in figure 2 on page 685 and page 284, par. 2.3).

4. As to claim 2, Delp teaches a conditional access content reception system where the pairing and pairing-verification means (i.e., ... match between ECM and stored entitlement) of each secondary terminal prevent said secondary terminal from accessing the content if the verification of the pairing with the main terminal is negative (i.e., ...teaches the control word is provided to the descrambler 8 in the receiver 7 if there is a match between ECM and stored entitlement [fig. 7]).

5. As to claim 3, Delp teaches a conditional access content reception system, characterized in that wherein the information-exchange means comprise a local area network the end-user electrical system to which the access terminals are connected (i.e., ... teaches a local home network (e.g., LAN) fig. 7).

6. As to claim 4, Delp teaches a conditional access content reception system where the local area network (e.g., Home Area Network) is a wired or wireless private local area network [fig. 1].

7. As to claim 5, Delp teaches a conditional access content reception system where the local area network is chosen from one of the elements from the group comprising a local area electrical network in the home of a user authorized to receive the content [fig. 1], a local area cable network in the home for the purpose of transmitting audiovisual information [fig. 1], a local area telephone network in the home and a wireless local area network in the home [fig. 1].

8. As to claim 6, Delp teaches a conditional access content reception system where the local area network (e.g., Home Area Network) is merged with a shared network for distributing the content [fig. 1 & fig. 7].

9. As to claim 7, Delp teaches a access terminal for accessing to a conditional access content comprising means for pairing with a main access terminal configured for accessing the conditional access content for the purpose of authorizing said access terminal to access the conditional access content only if said access terminal is connected to and able to exchange information with said main terminal (i.e., ...teaches exchanging verification information (e.g., Entitlement and Control Word) between communicating devices [fig. 7]). and a means for verifying said access terminal's pairing with said main terminal with which said access terminal was paired initially.

10. As to claim 8, (Cancelled)

11. As to claim 9, Delp teaches a terminal characterized in that wherein the means for pairing and said means for verifying the pairing with a main terminal comprise a peripheral module suitable for connection to said access terminal [fig. 7].

12. As to claim 10, Delp teaches a main terminal for accessing to a conditional access content comprising means for pairing with at least one secondary access terminal configured for accessing the conditional access content through exchange of information with said secondary terminal (i.e., ...teaches content access protection between communicating devices [fig. 7]). and
a peripheral module suitable for connection to said access terminal [fig. 1].

13. As to claim 11, Delp teaches a terminal for accessing to a conditional access content, in that wherein the information exchanged is a unique identifier for said terminal (i.e., ...teaches exchanging verification information (e.g., Entitlement and Control Word) between communicating devices [fig. 7]).

14. As to claim 12, (Cancelled).

15. As to claim 13, Delp teaches a method for receiving a conditional access content carried out in a system method comprising a step of testing the connection between the secondary terminal and the main terminal (i.e., ...teaches exchanging verification

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information (e.g., Entitlement and Control Word) between communicating devices [fig. 7]), the outcome of which is that the secondary terminal is authorized to process the content only if said connection has been set up [fig. 7].

16. As to claim 14, Delp teaches at least two terminals of where such terminals are receive the same conditional access content [abstract; fig.1].

Response to Arguments

Examiner Remarks – 102(b) Rejection

Applicant argues,

“Claim 1 requires two terminals in the system, each configured to access the content where a main terminal and a secondary terminal are paired. The recitation of Figure 7 in Delp however does not disclose this claimed feature. Specifically, Figure 7 shows five devices: a content source, a digital recording device (CA domain), an access device, a digital recording device (XCA domain) and a presentation device. None of these devices show a "pairing" of a main terminal to a secondary terminal as in Claim 1. It seems unlikely that the content source and the digital recorder in the CA domain can be deemed terminals that access the content, so presumably the Examiner refers to the devices in the XCA domain for the basis of the rejection. Of the three XCA devices, the recorder isn't an access device, since it [p. 16, last paragraph but one] "is unable to create or descramble XCA protected bit streams." In other words, it can store the content, but not actually access it. This leaves us with the access device and the presentation device which are clearly not the claimed main and secondary terminals used for accessing content. This is supported when the Examiner later argues that Entitlement and Control Words are exchanged between the devices. In view of the recitations above, there is no pairing in Delp's Figure 7. All that it appears to say is that the access device sends Entitlement and Control Words to the presentation device. However, this does not necessitate any pairing between the devices and this information certainly isn't used to verify the pairing, as required by the claim".

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The Examiner contends Delp contemplates applicant's "communication pairing" between two communicating entities (e.g., A and B) in figure 2 on page 685.

Additionally, Delp disclosed using entitlement data and device stored secret information to facilitate exclusive communication between communicating entities to prevent piracy.

Delp explains without the appropriate secret information stored in the device and the smart card (e.g., Conditional Access means) a set-box (e.g., Receiver) as illustrated in Delp's system cannot properly rendered the content. See Delp page 284, par. 2.3.

Furthermore, the Examiner contends that those skilled in the art will understand that the stored secret data in Delp's receiver (e.g., set-top box) allows for an exclusive "communication pairing" between content sender and content receiver. This exclusive pairing is evident in the fact that if a device (e.g., pirate device) attempts to render the content using just the smart card, the rendering operation will fail.

Applicant argues:

"Further, there is absolutely no basis in Delp for the new feature that the second device is authorized to access the content only if the second terminal is connected to and able to exchange information with the first device. A quick look at Figure 7 is all that is needed to support this argument: as the presentation device may equally well receive the content from the digital recording device, so the "only" clause of Claim 1 is not met by what is taught in Figure 7 of Delp. The same rationale for Claim 1 applies for Claim 7, 10, and 13 is there is no "pairing" that is disclosed or suggested in Delp."

The Examiner contends applicant's statement of "only if the second terminal is connected to and able to exchange information with the first device" is simply construed to require a receiving device "is contemplated by Delp's disclosure of a set-top box

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(e.g., second terminal) communicating with a receiver device. See Delp figure 1. The Examiner contends that in order for Delp's system to properly render the content, the receiver device must be able to interface in such a way that the content can be received.

Applicant argues:

"For new Claim 14, the devices of Delp do not receive the same conditional access content. The access device receives a first conditional access content and creates XCA protected content that is sent to the presentation device. It is thus clear that they do not receive the same content. Taking a look at the different goals of Delp and the present invention explains this fact. Delp is concerned with providing a flexible content protection system in which the access device converts content so that it is only usable in the local XCA domain; which is why the received content is different. The present invention on the other hand is concerned with allowing a user two decoders connected to one subscription (or possibly a base subscription and a cheaper 'extension' subscription), which is why they receive the same conditional access content".

The Examiner contends that applicant's "conditional access content" is the content rendered to the end user and the "access condition" of the parameter is for controlling the distribution and rendering of the content. The Examiner contends Delp's discloses content for which is distributed and rendered in a controlled manner. See Delp's, abstract.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRYAN WRIGHT/
Examiner, Art Unit 2431

/William R. Korzuch/
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